

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRIGHTSTAR US, INC.,

Plaintiff,

- against -

ORDER  
07-CV-1893 (RRM) (SMG)

CELLPOINT, INC. and EDUARDO SCHECHTER,

Defendants.

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MAUSKOPF, United States District Judge.

On July 21, 2008, Plaintiff moved for default judgment against Defendant Cellpoint, Inc. (Docket No. 43.) By Order entered August 7, 2008, this Court referred that motion to the assigned Magistrate Judge, the Honorable Steven M. Gold, for a Report and Recommendation. On September 24, 2009, Judge Gold issued a Report and Recommendation (the "R&R") that Plaintiff's motion be granted and that Plaintiff be awarded damages against Defendant Cellpoint, Inc. in the total amount of \$1,179,047.80. (R&R at 6.) Judge Gold further recommended that Plaintiff be awarded prejudgment interest on \$1,044,919.49 in actual damages at a rate of 1.5% per month beginning from February 15, 2007 to the date that final judgment is entered. (*Id.* at 6-7.) In addition, Judge Gold recommended that all claims against Defendant Eduardo Schechter be dismissed without prejudice. (*Id.* at 7.) Finally, Judge Gold reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due on or before October 13, 2009. (*Id.*) No party has filed an objection.<sup>1</sup>

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See*

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<sup>1</sup> In addition to the notice provided to Defendants by the Court's Electronic Case Filing system, the docket sheet indicates that Plaintiff also served a copy of the R&R on defendants via first class mail. (*See* Docket No. 53.) Accordingly, the Court is satisfied that Defendants had ample notice of the time period for filing objections to the R&R, and the consequences for a failure to do so.

*Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Plaintiff's motion for default judgment is GRANTED. It is further ORDERED that the claims against Defendant Eduardo Schechter are DISMISSED without prejudice. The Clerk of Court is directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: Brooklyn, New York  
January 20, 2010

s/RRM

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ROSLYNN R. MAUSKOPF  
United States District Judge